IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 15454 of 2005

Between:

Badeti Lingaiah S/o. Venkati
R/o. Ramapuram (V) Garla (M)
Khammam District.

..... PETITIONER

AND

1 The State of A.P Rep. by its Secretary, Revenue Department
Secretariat Hyderabad.
2 The District Collector
Khammam
3 The Revenue Divisional Officer
Kothagudem Khammam District
4 The Mandal Revenue Officer
Garla (M) Garla
Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction or more particularly one in the nature of writ of Mandamus declaring the proposed action of the respondent no.4 in wanting to allot the land of the petitioner to third parties even when the appeal no.3/2000 is pending before the 3rd respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.D.JAIPAL REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

O R D E R:

The petitioner seeks a Mandamus declaring the proposed action of the fourth respondent in trying to allot the land belonging to him to the third parties, while the Appeal No.3 of 2000 is pending before the third respondent, as illegal and arbitrary.

The case of the petitioners is that his grandfather was in occupation of the land to an extent of Ac.3.00 in Sy.No.31 situated at Ramapur Village, Garla Mandal, Khammam District and that in the year 1954-55, a patta was granted in favour of his father by the third respondent, in respect of the said land, in view of adverse possession and enjoyment. While so, in 1987, the fourth respondent issued a notice under Section 7 of the Land Encroachment Act, 1905, on the ground that the said land belongs to the Government. Thereafter the petitioner obtained a patta certificate from the third respondent. Despite the said fact the fourth respondent passed order, dated 28-10-2000, under Section 7 of the Act. Aggrieved by the same, the father of the petitioner filed W.P.No.21087 of 2000 before this Court and the same was disposed of permitting the father of the petitioner to prefer an appeal before the third respondent. Accordingly, the

father of the petitioner preferred C.M.A.No.3 of 2000 before the third respondent. The third respondent while giving notice of the date of hearing as 08-12-2003 of the posting of the appeal C.M.A.No.3 of 2000, directed the fourth respondent to maintain status quo in compliance of the orders of this Court in W.P.No.21087 of 2000, dated 03-11-2000, and to sent the lower court records. While the matter stood thus, on 11-07-2005, the personnel of the fourth respondent visited their village and discussed about assignment of the land to third parties. Therefore, the petitioner is constrained to approach this Court.

Heard the learned counsel on either side and perused the material available on record.

The contention of the learned counsel for the petitioner that the fourth respondent has tried to dispossess the petitioner of the schedule land so as to assign to third parties and in furtherance thereof, visited the village on 11-07-2005 cannot be countenanced for the simple reason that the third respondent has granted status quo, in compliance of the order, dated 03-11-2000, passed in W.P.no.21087 of 2000 by this Court. As can be gathered from the material available on record that the third respondent has fixed the date of hearing of the appeal on 08-12-2003 and 13-06-2005, this Court, sitting under Article 226 of the Constitution of India, in exercise of extraordinary jurisdiction, cannot consider the prayer of the petitioner for grant of the relief. Consequently, the writ petition fails and is accordingly dismissed. No costs. However, the third respondent is directed to dispose of the appeal pending before him from the year 2000, within eight weeks from the date of receipt of a copy of this order.

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(ELIPE DHARMA RAO, J)

Date:18-07-2005

ghn

To

1 The Secretary, State of A.P, Revenue Department
Secretariat Hyderabad.
2 The District Collector
Khammam
3 The Revenue Divisional Officer
Kothagudem Khammam District
4 The Mandal Revenue Officer
Garla (M) Garla
Khammam District.

5 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

6 Two CD copies.